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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

19 Cr. 472 (PAC)

5 SALVATORE TAGLIAFERRO,

a/k/a "Sal,"

6 and JOHN DEFALCO,

a/k/a "Cigars,"

7 Defendants.

8 Conference

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9 New York, N.Y.

10 July 10, 2019

11 11:45 a.m.

12 Before:

13 HON. PAUL A. CROTTY,

14 District Judge

15 APPEARANCES

16 GEOFFREY S. BERMAN

17 United States Attorney for the  
Southern District of New York

18 BY: JARROD L. SCHAEFFER

THOMAS A. McKAY

19 Assistant United States Attorneys

20 RICHARD H. ROSENBERG

Attorney for Defendant Tagliaferro

21 ROBERT G. STAHL

22 Attorney for Defendant DeFalco

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(Case called)

MR. SCHAEFFER: Good morning, your Honor. Jarrod Schaeffer and Tom McKay, for the government.

THE COURT: Mr. Schaeffer, Mr. McKay, how are you? Defendants.

MR. ROSENBERG: Good morning, your Honor. Richard Rosenberg, for Salvatore Tagliaferro, seated alongside me.

THE COURT: Good morning, Mr. Rosenberg. Mr. Tagliaferro, how are you?

DEFENDANT TAGLIAFERRO: Very good. Good morning, your Honor.

THE COURT: Good morning.

MR. STAHL: Good morning, your Honor. Robert Stahl, on behalf of John DeFalco, who is seated at counsel table.

THE COURT: OK, Mr. Stahl.

Mr. DeFalco, how are you?

DEFENDANT DEFALCO: Very good.

MR. STAHL: Thank you, your Honor.

THE COURT: What's the purpose of today's meeting, Mr. Schaeffer?

MR. SCHAEFFER: The defendants were arrested and presented on June 27, 2019. They still need to be arraigned on the indictment and an initial conference.

THE COURT: OK.

Mr. Tagliaferro and Mr. DeFalco, have you seen a copy

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1 of the indictment?

2 DEFENDANT TAGLIAFERRO: Yes, your Honor.

3 DEFENDANT DeFALCO: Yes, your Honor.

4 THE COURT: Have you had a chance to consult with your  
5 attorneys about it?

6 DEFENDANT TAGLIAFERRO: Yes, your Honor.

7 DEFENDANT DeFALCO: Yes, your Honor.

8 THE COURT: Do you want me to read the indictment to  
9 you, or do you waive the reading?

10 DEFENDANT TAGLIAFERRO: I will waive my reading.

11 DEFENDANT DeFALCO: I'll waive mine as well.

12 THE COURT: Do you want to enter your plea now, Mr.  
13 Tagliaferro?

14 DEFENDANT TAGLIAFERRO: Innocent, your Honor.

15 THE COURT: OK. Not guilty.

16 Mr. DeFalco.

17 DEFENDANT DeFALCO: Not guilty, sir.

18 THE COURT: Not guilty.

19 Pleas of not guilty will be entered.

20 All right. What discovery do you have?

21 MR. SCHAEFFER: The discovery in this case, your  
22 Honor, is generally very voluminous. We've discussed with  
23 defense counsel, and the Court has already entered a protective  
24 order to which all parties have consented. The government has  
25 also just produced to defendants approximately 10,000 pages of

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1 discovery. We are in the process of assembling additional  
2 rolling productions. It generally consist of bank records,  
3 communications, subpoena returns, things like that.

4 The issue that takes a little bit longer to process,  
5 review and produce is electronic discovery of which there is a  
6 lot in this case.

7 THE COURT: Do I understand the discovery to be  
8 wiretaps?

9 MR. SCHAEFFER: No, there are no wiretaps in the case,  
10 your Honor. It's mostly iCloud images, phone images, things of  
11 that nature.

12 We've discussed with defense counsel securing names of  
13 counsel whom the defendants may have retained at other points  
14 and are in the process of beginning a privilege review. We  
15 expect that that will take a few weeks since there is a  
16 significant amount of data. Following that we will do our  
17 responsiveness review, which will also take a few weeks.

18 In the meantime, of course, we would make rolling  
19 production to the individual defendants.

20 THE COURT: What's your best estimate, Mr. Schaeffer,  
21 as to when the production will be completed?

22 MR. SCHAEFFER: We think with rolling production, it's  
23 approximately 60 days, your Honor.

24 THE COURT: Mr. Rosenberg.

25 MR. ROSENBERG: Yes, your Honor.

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1           As a matter of fact, counsel was conferring outside  
2 before court commenced, and we -- counsel, cocounsel and I --  
3 get the impression that this is, as Mr. Schaeffer indicates to  
4 the Court, a voluminous discovery case. We would think, your  
5 Honor, that a reasonable date to come back, at least we'd have  
6 a chance to start going through the process of reviewing the  
7 first at least 10,000 pages, is possibly to come back here in  
8 mid-September or so and see where we stand.

9           THE COURT: Mr. Stahl.

10          MR. STAHL: I agree, your Honor. I think that's a  
11 reasonable approach to this.

12          THE COURT: Sometime in mid-September?

13          MR. STAHL: Yes, your Honor.

14          THE COURT: David.

15          THE DEPUTY CLERK: Tuesday, September 17 at 12 noon.

16          THE COURT: How does that sound?

17          MR. ROSENBERG: September 17?

18          MR. SCHAEFFER: Fine for the government, your Honor.

19          THE COURT: September 17.

20          MR. ROSENBERG: It's OK with Mr. Tagliaferro.

21          MR. STAHL: That's fine, your Honor. Thank you.

22          THE COURT: September 17 at high noon.

23          Anything else?

24          MR. ROSENBERG: Just briefly, your Honor.

25          I sat with Pretrial Officer Pompey after the

J7aWtagC

1 presentment on June 27. In her pretrial services report, as  
2 she indicated to me at that post-appearance interview with  
3 Mr. Tagliaferro, she omitted to recommend web reporting only,  
4 although that is her recommendation, and I'm relating it to  
5 you. So, I would be seeking a modification of his bail  
6 conditions. Right now he appears once monthly in person and  
7 web reporting weekly, but I would be seeking that modification,  
8 with --

9 THE COURT: The modification is what, Mr. Rosenberg?

10 MR. ROSENBERG: Web reporting only, instead of in  
11 person, and that was her recommendation.

12 THE COURT: And you say that's her recommendation?

13 MR. ROSENBERG: That was her recommendation.

14 THE COURT: Why don't you have her write me a letter.  
15 It will be a lot easier.

16 MR. ROSENBERG: I will do that, Judge. Thank you,  
17 your Honor. And I will copy certainly Ms. Pompey and the  
18 government.

19 THE COURT: The government.

20 MR. ROSENBERG: Yes.

21 THE COURT: OK. You do that, and I'll sign the order  
22 right away modifying the bail conditions.

23 MR. ROSENBERG: Thank you.

24 THE COURT: Do you have anything, Mr. Stahl?

25 MR. STAHL: Not at this time, your Honor.

J7aWtagC

1 THE COURT: Do you want to exclude time through  
2 September the 17th?

3 MR. SCHAEFFER: Yes, your Honor.

4 THE COURT: OK.

5 MR. ROSENBERG: Without objection.

6 MR. STAHL: No objection.

7 THE COURT: For the reasons stated, the time between  
8 now and our next meeting, on September 17, time will be  
9 excluded. It's in the interests of justice to do so. Those  
10 interests outweigh the interests of the public and the  
11 defendant in a speedy trial.

12 If there's nothing else, I'll see you in September.  
13 I'll be around most of the summer, so if you need intervention  
14 before then, let me know.

15 MR. SCHAEFFER: Thank you, your Honor.

16 MR. ROSENBERG: Thank you, your Honor.

17 MR. STAHL: Thank you, your Honor.

18 (Adjourned)